ABC WORLD NEWS TONIGHT
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AP03>LIBEL CASES >JENNINGS: The Sharon libel trial is only the latest in a series of major libel cases to get a lot of public attention. William Westmoreland's lawsuit against CBS is still going on. Our chief correspondent, Richard Threlkeld, has a status report tonight on what seems to be a new focus on libel in America.

THRELKELD: The double bill that's been playing at the federal courthouse in Manhattan, Gen. Sharon against Time magazine and Gen. Westmoreland against CBS News, are just two of the more star-studded legal battles of late that have put the American press on trial and raised embarrassing questions about how it goes about its business. Sen. Paul Laxalt is suing some California newspapers for a quarter of a billion dollars for a story about his alleged gambling associations. The CIA complained to the Federal Communications Commission about this ABC News story that the CIA had threatened the life of a CIA operative. (footage of interview from Sept. 19, 1984, ABC News Investigation): UNIDENTIFIED REPORTER: Did they tell you why they wanted you to get rid of him?

UNIDENTIFIED MAN: That he was a company and he obviously...

THRELKELD: ABC later retracted part of the story and the FCC dismissed the complaint, saying there no evidence of deliberate distortion. Since 1980, juries have awarded newsmakers who claim to have been libeled in excess of a million dollars in at least 20 different cases. Even though a lot of those judgments have been reduced or overturned, libel has become the legal profession's latest growth industry. This, in spite of a long standing Supreme Court rule that a newsmaker cannot be libeled unless he can prove not only that he wronged, but knowingly or recklessly wronged. The reasons have much to do with the press itself. It's regarded by a lot of Americans as intrusive, negative, insufferably arrogant and mostly unaccountable. MICHAEL MCDONALD (American Legal Foundation): The press finds itself in the peculiar position of, of saying, 'Trust us,' and asking the people to believe that they're not like other human institutions, that they make mistakes. And they never bring their own mistakes to the attention of the public.

THRELKELD: And the news has become big business. People figure the press can afford to pay. RICHARD SALANT (former network executive): It doesn't have that special image to the public that it used to have and it should have as being something more than just an ordinary grubby business, the having some public purpose beyond making money.

TRELKELD: Richard Salant, the lawyer and former network news executive, thinks that even so, going to court is not the way to go about righting the wrongs in the news.

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SALANT: The trouble with libel is that it doesn't serve the smaller plaintiff, 'cause he can't afford it, it doesn't serve the newspaper or news organization, because they can't afford to take too many risks before they go bust and it doesn't serve the public, because the public is being deprived of some important stories that should be told, that the news organization genuinely thinks are true.

THRELKELD: There are some sensible remedies that have been suggested about how to cure this libel epidemic: send libel arguments to binding arbitration, make the loser in a libel case pay all the lawyers' bills. And the press could be a lot more diligent about fessing up to its own mistakes before they get to court. There's a modern corollary to all that freedom of the press business in the Bill of Rights. In this day and age, a lie can go twice around the world before the truth can get its britches on. Richard Threlkeld, ABC News, New York. <

APO4>LIBEL CASES 2>JENNINGS: And joining us from Washington is ABC's George Will. George, can you begin by laying out why it is harder to prove libel against a public official than a private citizen?

WILL: Yes, the court has said, Peter, that we want to make it difficult not to serve politicians and not to serve journalists, but to serve the public interest, because the law, as it currently is, in making it very difficult to show actual reckless or malicious disregard of the truth, is realistic about journalism and realistic about politics. Journalism, Peter, is history written in a terrific hurry. It's going to make mistakes. If the mere fact of mistake justified a libel suit, journalists would spend all their time in court.

JENNINGS: Well, what about, what about the media, George? Do you think Time or ABC or CBS or any organization are going to be less critical now because of all this?

WILL: I don't think less critical. I think the producers of television shows and the editors of news magazines are going to turn to their reporters maybe a little more insistently and say, 'Are you sure?' But unless public officials have some access to remedy when they've been grossly offended, then the public is going to say being a journalist means never having to say you're sorry. All the ruling says is, journalists almost never have to say they're sorry.

JENNINGS: So, in short, I think you're saying, George, that it's just fine for public officials to go to court, as Sharon and Westmoreland have done.

WILL: I think it's fine for them to go to court, I think it's extremely hard for them to collect and I think one of these trials every now and then concentrates journalists minds on the damage they can do.

JENNINGS: George, thank you very much for joining us. George Will in Washington. <